UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,176	02/28/2002	Matthew Plan	P21784	4794

			EXAMINER
7055	7590	07/19/2004	GAUTHIER, GERALD

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/084,176	PLAN, MATTHEW
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _27 April 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-26_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _4/27/2004_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-5, 7-12 and 14-26** are rejected under 35 U.S.C. 102(e) as being

anticipated by Price et al. (US 6,718,017).

Regarding **claim 1**, a method for implementing a customized interactive voice

system for a customer, for configuring a menu that has a plurality of nodes comprising a

plurality of modules, each module having a different interactive voice response

functionality, storing the menu in association with the customer, activating the stored

menu in response to a call to the customer and processing one menu.

Price discloses a method for a customer to create interactive voice response

applications (column 8, lines 24-45), the system answers a call from the customer who

selects an IVR application to create a new IVR application using the selected build

functions (column 8, lines 46-58) inherently the changes that the customer has

performed will be saved for the users of these new IVR applications, the users contact

the system via multiple communications media to receive information (column 5, lines

59-64), the system present to the user various menu choices and in response to the

user selection delivers the information to the user based on user choice of

communication media (column 6, lines 10-30).

Regarding **claim 2**, Price discloses the customer is able to access the system via

a website which is maintained by the service provider and to create new IVR application

using graphical display presented by the system such as to activate or deactivate an

IVR application (column 8, lines 14-23).

Regarding **claims 3, 8 and 10**, Price discloses the customer creating a new

application and the new application is downloaded to the service providers' equipment

with identification for the new application (column 7, lines 53-60).

Regarding **claim 4**, Price discloses one menu choice may lead to additional

menu choices and each set of choices is referred as a node (column 4, lines 8-15).

Regarding **claims 5 and 9**, Price discloses one menu choice may lead to

additional menu choices and each set of choices is referred as a node (column 4, lines

8-15).

Regarding **claim 7**, a method for configuring for a customer a interactive voice application without altering the computer programming of the interactive voice application, in response to a call to the customer the application is executed for storing a plurality of nodes executable by the interactive voice application, each node is one of a plurality of predetermined node types comprising at least one node type included in the interactive voice application and a plurality of feature node types each having a different interactive voice response functionality, displaying a data field for each node at a graphical user interface, the data field corresponding to a variable parameter associated with the node type of the node and receiving data via the graphical user interface corresponding to the data field of each node, the data indicating a function to be performed by the node and establishing a call flow of the customized application, the dynamic interactive voice application executing the function in accordance with the call flow regardless of the node type.

Price discloses a method for a customer to create interactive voice response applications (column 8, lines 24-45), the system answers a call from the customer who selects an IVR application to create a new IVR application using the selected build functions (column 8, lines 46-58) inherently the changes that the customer has performed will be saved for the users of these new IVR applications, the users contact the system via multiple communications media to receive information (column 5, lines 59-64), the system present to the user various menu choices and in response to the user selection delivers the information to the user based on user choice of communication media (column 6, lines 10-30).

Price discloses a series of audio menu choices that is stored in the service provider database and become specific node after the customer selects the appropriate control functions of these multiple nodes (column 7, lines 12-21) and download them to the service provider equipment to be used by the caller (column 7, lines 42-51). The customer could use a workstation to access a website and a graphical audio interface to create a specific application (column 8, lines 14-23). The customer sends the modification to the IVR application residing in the service provider facility allowing the customer communication with the IVR service through a computer or workstation (column 8, lines 24-45).

Regarding **claim 11**, Price discloses the data entered in the data field of a node from the vocabulary node type comprising a predetermined vocabulary tag to be spoken via a voice generator to a terminal of a caller (column 6, lines 40-56).

Regarding **claim 12**, Price discloses the data entered in the data field of a node from the transfer node type comprising a transfer destination code (column 6, lines 40-56).

Regarding **claims 14 and 16**, Price discloses all the limitations of **claims 14 and 16** as stated on **claim 7** and furthermore an interactive voice response system (FIG. 1), a user terminal (100 on FIG. 2) a database (52 on FIG. 2).

Regarding **claim 15**, Price discloses the at least one port of the IVR system being associated with a telephone number of the customer, so that the incoming call is directed by a public switched telephone network to the at least one port based on calls to the customer telephone number (column 5, lines 30-38).

Regarding **claims 17 and 20**, Price discloses all the limitations of **claims 17 and 20** as stated on **claim 7** above and furthermore discloses a programmer interface to allow a programmer to create computer code to implement an IVR application (column 5, lines 2- 10).

Regarding **claim 18**, Price discloses an administrative source code segment that is initiated by an escape code received by the IVR source code segment via the incoming call and that enables at least one of an addition, a deletion and a change of an administrative variable associated with the call flow (column 8, lines 59-64).

Regarding **claim 19**, Price discloses in which the administrative variable comprises one of a telephone extension number and a voice announcement (column 8, lines 24-45).

Regarding **claims 21-26**, Price discloses each designer tool kit module has different tools for different audiences (column 6, lines 40-56).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 6 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Price in view of Levin et al. (US 2003/0149566).

Regarding **claims 6 and 13**, Price as applied to claims 1 and 7 above differs

from claims 6 and 13 in that it fails to disclose the designer tool kit module comprises

one of an automatic attendant interactive voice response functionality and a names

directory interactive response functionality.

However, Levin teaches an automated directory assistant as an IVR application

that prompts the user for desired information (¶ 0004).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to modify the invention of Price using an automated directory

assistant as taught by Levin.

This modification of the invention of Price would enable the user to choose from

the listing names.

Response to Arguments

5.   Applicant's arguments with respect to **claims 1-26** have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER
g.g.
July 11, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600